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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/310,165	05/10/1999	YASSIR K. ELLEY	112047-0013	8445

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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 07/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/310,165

Applicant(s)

ELLEY ET AL.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-128 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-128 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on November 1, 2000 and May 21, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

2. The disclosure is objected to because of the following informalities: On pages 1 and 5 of the specification, it is listed of co-pending applications that list only the attorney docket numbers. The attorney docket numbers should be replaced with the U.S. serial numbers corresponding to the applications.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1,12,23,34,45,52,59,66,73,80,87,94,101,108,115, and 122 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3,16-18,31,34,37,40,44,46,49,52,55,61, and 64 of copending Application No. 09/309,045. Although the conflicting claims are not identical, they are not patentably distinct from each other because the both recite substantially the same subject matter of using either a group membership certificate or a group non-membership certificate. The instant application fails to recite of issuing the certificates by a server, as is recite in copending Application No. 09/309,045. The examiner asserts that it would have been obvious to a person of ordinary skill in the art to have recognized that if certificates are used, as is the case in the instant application, then those certificates would have to be issued at some point in time prior to a user using the certificate as proof of group membership or group non-membership. It is obvious that the certificates of the instant application would have to be issued prior to using them as proof of group membership or group non-membership and the two applications are not patentably distinct from one another.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 101-128 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is claimed of a computer data signal embodied in a carrier wave and representing a sequence of instructions that is directed towards non-statutory subject matter. The subject matter does not belong in a statutory classes and it is suggested by the examiner that the claims should be amended to have the computer program embodied on a computer readable medium.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-128 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasser et al.

As per claims 1,12,23,34,45,52,59,66,73,80,87,94,101,108,115, and 122, it is disclosed by Gasser et al of user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47). The teachings consist of

program sequences (computer data signal embodied as carrier waves) that are to be executed by a CPU (processor)(col. 2, lines 58-60). Members are listed in a certificate (credentials) that which is nested groups that include subgroups (chains) that are certified (proven/validated entity membership)(col. 10, lines 19-55). If a requesting user (presenter), located in the group, is found in the resource's (services) is found in the access control list, then access is granted (authorized)(col. 4, lines 50-54 and col. 10, lines 50-55 & 61-65). Also taught by Gasser et al is denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 2,13,24,35,46,53,60,67,74,81,88,95,102,109,116, and 123, Gasser et al teaches of signed certificates (credentials) that verify (proof of) group membership (col. 11, lines 29-31).

As per claims 3,14,25,36,47,54,61,68,75,82,89,96,103,110,117, and 124, Gasser et al teaches of signed certificates that verify group membership (col. 11, lines 29-31).

As per claims 4,15,26,37,48,55,62,69,76,83,90,97,104,111,118, and 125, Gasser et al teaches of a group (membership) list that lists the members of a group (col. 11, lines 13-15 & 30-35).

As per claims 5,16,27,38,49,56,63,70,77,84,91,98,105,112,119, and 126, Gasser et al teaches of signed certificates (credentials) that verify (proof of) group membership (col. 11, lines 29-31). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 6,17,28,39,50,57,64,71,78,85,92,99,106,113,120, and 127, Gasser et al teaches of signed certificates that verify group membership (col. 11, lines 29-31). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 7,18,29,40,51,58,65,72,79,86,93,100,107,114,121, and 128, Gasser et al teaches of a group that which lists the members of a group (col. 11, lines 13-15 & 30-35). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 8,19,30, and 41, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

As per claims 9,20,31, and 42, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network which is on-line) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

As per claims 10,21,32, and 43, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network which is on-line) to a server (recipient) containing system resources (services)(col. 21, lines 43-47). Also disclosed is the use of determining if a certificate has been revoked (through means of a revocation server)(col. 11, lines 7-8).

As per claims 11,22,33, and 44, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yeager et al, US 2003/0055898

Yeager et al, US 2003/0055894

Abdelaziz et al, US 2003/0041141

Yeager et al, US 2003/0028585

Hanna et al, US 2002/0144149

Koehler, U.S. Patent 6,301,658

Lipkin et al, U.S. Patent 6,138,235

Perlman, U.S. Patent 5,901,227

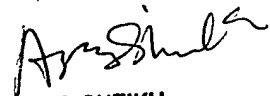
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on M-Th, 6:30a-4:00p, alt. Fr, 6:30am-3:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9586. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


CR
July 17, 2003